

1 DAVID SAPERSTEIN

2 Q I should say time cards that you've  
3 seen with a missing punch-in or punch-out time?

4 A Yes.

5 Q When the punch-in or punch out-time is  
6 missing, how, if at all, are the employees'  
7 hours figured for that day?

8 A It was up to Raj. Raj was the one  
9 that knew when they were coming and going. He  
10 was the one that determined what time they got  
11 there and what time they left.

12 Q Now, you said that employees refused  
13 to punch in and out for a lunch break; am I  
14 correct?

15 A Refused might have been a wrong word.

16 Q Okay. They didn't do it?

17 A Unable to do it might be a better  
18 choice of words.

19 Q Tell me what you remember about that.

20 A At some point, I had requested Raj to  
21 get the employees to punch in and out whenever  
22 they left the garage.

23 Q Not just for lunch but whatever?

24 A My choice of words was "whatever," but  
25 it meant lunch, and Raj understood that. And we

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2 just couldn't -- could not get them to do it.  
3 They either forgot, they didn't want to do it;  
4 for whatever reason, they did not do it.

5 Q Do you recall when you --

6 MR. BERNSTEIN: Can you repeat the  
7 last answer and question.

8 (Whereupon, the requested portion was  
9 read back by the court reporter: Q, tell me  
10 what you remember about that? A, at some  
11 point I had requested Raj to get the  
12 employees to punch in and out whenever they  
13 left the garage. Q, Not just for lunch but  
14 whatever? A, My choice of words was  
15 'whatever,' but it meant lunch, and Raj  
16 understood that. And we just couldn't --  
17 could not get them to do it. They either  
18 forgot, they didn't want to do it; for  
19 whatever reason, they did not do it.)

20 BY MR. BERNSTEIN:

21 Q How were workers told to punch in and  
22 out for lunch?

23 A Verbally.

24 Q By you or Raj?

25 A By Raj.

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2 Q Was that something you asked Raj to  
3 do?

4 A Yes.

5 Q When did that happen?

6 A It was more than one request, and they  
7 were made sometime in the early part -- early  
8 and mid part of 2004.

9 Q And what caused you to ask Raj to do  
10 that?

11 A The time cards were not reflecting  
12 that they were going out, so I needed -- I  
13 needed that to happen.

14 Q And how do you know that the time  
15 cards were not reflecting that?

16 A Raj told me.

17 Q What did he tell you about that?

18 A That after the first time I had asked  
19 him to get them to punch in and out for when  
20 they left the garage, I asked him if they were  
21 doing it, he said no. After the second time I  
22 asked him to do it, I asked him again, the same  
23 question, he said no.

24 Q Do you know if Raj did anything  
25 besides asking the workers to punch in and out